REMARKS

The applicants have carefully considered the official action dated October 23, 2006. In view of the following remarks, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

The Office action rejected claims 1-3, 5-6, 1, 17-20, 23, and 28 under 35 U.S.C. § 102(e) as being anticipated by Nanja et al. (US 2004/0123278 A1, "Nanja). The applicant respectfully traverses these rejections.

Independent claim 1 is allowable. Claim 1 recites a method of executing a non-native software instruction comprising receiving the non-native instruction, generating a first native software instruction from a first instruction set, executing the first native software instruction, generating a second native software instruction from a second instruction set based on the non-native instruction, and executing the second native software instruction.

It is respectfully submitted that Nanja does not teach or suggest generating first and second native instructions based on the non-native instruction, wherein the first and second native instructions are respectively based on first and second instruction sets. The Office action cites various portions of FIG. 2 of Nanja for such a description, but these cited portions do not anticipate claim 1. In contrast to claim 1, which recites generating two native instructions from two instruction sets based on the same non-native instruction, Nanja discloses generating a single native instruction from a non-native instruction. Nanja discloses that the system may be iterated multiple times, therefore creating multiple native instructions pulled from a single instruction set, wherein each of the native instructions is based on a non-native instruction. In other words, Nanja generates a single native instruction for each non-native instruction, and furthermore pulls the native instruction from a single instruction set.

Thus, Nanja does not disclose or suggest generating two different native instructions from a single non-native instruction, much less that the two non-native instructions should be based on two different instructions sets. Accordingly, it is respectfully submitted that claim 1 and its dependants are not anticipated by Nanja and allowance of the same is respectfully submitted.

Independent claims 17 and 28 are also allowable over the art of record for at least the reasons set forth above in connection with claim 1. Accordingly, the applicants respectfully submit that independent claims 17 and 28 and all claims dependent thereon are in condition for allowance.

With respect to all rejections under 35 U.S.C. § 103, the Nanja reference is disqualified under 35 U.S.C. § 103(c) because the Nanja reference is 35 U.S.C. § 102(e) prior and because, at the time the claimed invention was made, Nanja and the claimed invention were subject to assignment to or owned by Intel Corporation. Nanja was assigned to Intel Corporation on December 18, 2002. Withdrawal of all obviousness rejections based on Nanja is therefore respectfully requested.

In view of the foregoing, the applicants respectfully request an early favorable action on the merits.

Respectfully submitted,

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